

## Message Text

PAGE 01 STATE 107914

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TO AMEMBASSY ABU DHABI

UNCLAS STATE 107914

FOLLOWING USUN 1678 SENT ACTION SECSTATE REPEATED TO YOU QUOTE

UNCLAS USUN 1678

DEPT PLEASE PASS TO ALL DIPLOMATIC POSTS

FROM LOSDEL

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: UNCLASSIFIED WEEKLY UUMMARY: WEEK ENDING

APRIL 16

1. SUMMARY: AS CONFERENCE MOVES INTO FINAL WEEKS IT IS STILL DIFFICULT TO PREDICT OUTCOME. A REVISED SINGLE NEGOTIATING TEXT WHICH WILL MEASURE SUCCESS OR FAILURE OF EFFORTS TO MOVE TOWARD A BROADLY ACCEPTABLE TEXT IS UP TO THE THREE MAIN COMMITTEE CHAIRMEN WHW HAVE DISCRETIONARY POWERS IN INTERPRETING THE NEGOTIATIONS. IT IS NOT YET CLEAR THAT AN ADDITIONAL SESSION WILL BE HELD THIS SUMMER. THE VARYING PRECEPTIONS OF THE NATURE OF THE ECONOMIC ZONE CONTINUE TO BE KEY TO COMMITTEE II'S WORK. THE ACCEPTABILITY OF THE COMPROMISES SUGGESTED IN SECRETARY KISSINGER'S SPEECH PARTICULARLY WITH RESPECT TO COMMITTEE I IS YET TO BE TESTED BEFORE THE FULL COMMITTEE AND THE CONFERENCE. COMMITTEE I (DEEP SEABEDS) WILL DISCUSS REVISED ARTICLES BEGINNING THIS UNCLASSIFIED

PAGE 02 STATE 107914

WEEK. COMMITTEE 2 (TERRITORIAL SEA, STRAITS, ECONOMIC ZONE) EXPECTS DEBATE ON IMPORTANT ARTICLE 73, DEFINITION OF HIGH SEAS, THIS WEEK. IN US VIEW ECONOMIC ZONE REMAINS HIGH SEAS FOR PURPOSES SUCH AS NAVIGATION

WHICH ARE NOT INCOMPATIBLE WITH JURISDICTION OF COASTAL STATES OVER RESOURCES AND RELATED ACTIVITIES. IN VIEW OF SOME COASTAL STATES, ZONE IS NEITHER HIGH SEAS NOR TERRITORIAL SEA. POSITION OF COASTAL STATES HAS BECOME POLARIZED BY CONTINUING PUSH OF 52 MEMBERS LANDLOCKED AND DISADVANTAGED STATE GROUP FOR RIGHTS OF TRANSIT AND ACCESS TO RESOURCES OF ECONOMIC ZONES OF NEIGHBORING STATES. END SUMMARY.

2. COMMITTEE I: (DEEP SEABEDS). C-I MET DAILY THE WEEK OF APRIL 12 AND CONCLUDED DISCUSSION OF ARTICLES 1-10 AND ARTICLE 26, POWERS AND FUNCTIONS OF THE ASSEMBLY, ARTICLE 27, COMPOSITION OF THE COUNCIL, AND ARTICLE 28, POWERS AND FUNCTIONS OF THE COUNCIL. NEW TEXT, REPRESENTING THE CHAIRMAN'S PERSONAL ASSESSMENT OF A GROWING CONSENSUS WITHIN THE COMMITTEE, ARE EXPECTED SOON ON THESE ARTICLES, THE ANNEX AND THE ARTICLES OF THE REGIME.

3. COMMITTEE I: ENGO HAS CONTINUED TO MOVE THE COMMITTEE AT A STEADY PACE. MANY DELEGATES ARE EAGER TO SEE SOME RESULTS OF THE PAST WEEK'S DISCUSSION. COMPLETION THIS WEEK OF THE ARTICLES ON THE TRIBUNAL, THE ENTERPRISE AND THE ADVISORY COMMISSIONS WILL ALLOW ENGO TO ISSUE A PACKAGE OF ARTICLES AND THE ANNEX. COMMITTEE C WILL THEN RECESS FOR THREE DAYS WHILE THE GROUP FOCUSES ON THESE DRAFTS. AFTER ENGO HAS CONSIDERED ALL COMMENTS, HE WILL ISSUE HIS REVISED SENT.

4. COMMITTEE II: (TERRITORIAL SEA, STRAITS, ECONOMIC ZONE): COMMITTEE II COMPLETED 2 LENGTHY DEBATES CONCERNING THE RIGHTS OF LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS) TO PARTICIPATE IN THE EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES OF THE ECONOMIC ZONE. NO COMPROMISE EVOLVED BETWEEN THE COASTAL STATES SEEKING TO MAXIMIZE THEIR RIGHTS IN THE ECONOMIC ZONES AND THE LL/GDS SEEKING THE RIGHT TO PARTICIPATE IN EXPLOITATION  
UNCLASSIFIED

PAGE 03 STATE 107914

OF THOSE AREAS. A GROUP OF INTERESTED STATES WILL CONTINUE TO DISCUSS THIS SENSITIVE QUESTION UNDER THE CHAIRMANSHIP OF MINISTER JENES EVENSEN (NORWAY) WITH A VIEW TOWARD A COMPROMISE PROPOSAL FOR THE COMMITTEE II CHAIRMAN'S REVISION OF THE RELEVANT SENT ARTICLES.

5. COMMITTEE II ALSO CONSIDERED THE ARTICLES OF THE SENT PERTAINING TO ENFORCEMENT BY THE COASTAL STATES OF LAWS AND REGULATIONS WITH RESPECT TO FOREIGN FISHING IN THE ECONOMIC ZONE. THE DISCUSSION WAS CHARACTERIZED BY THE ATTEMPTS OF COASTAL STATES TO BROADEN THEIR POWERS IN THE ECONOMIC ZONE AND COUNTER-MOVES BY THE LL/GDS, AND SOME MARITIME STATES TO CC

CUMSCRIBE THESE POWERS.

6. COMMITTEE II THEN TOOK UP THE ARTICLE CONCERNING DELIMITATION OF THE ECONOMIC ZONE BETWEEN ADJACENT AND OPPOSITE STATES. THE DEBATE WAS BETWEEN STATES FAVORING THE MEDIAN AND EQUIDISTANT LINE METHODS AND OTHERS WHICH SOUGHT TO STRESS CONSIDERATION OF SPECIAL CIRCUMSTANCES. ZAMBIA PROPOSED A SYSTEM OF DELIMITATION FOR REGIONAL ECONOMIC ZONES. THIS PROPOSAL WAS OPPOSED BY OTHERS OF THE LL/GDS.

7. THE WEEK'S DEBATE ENDED WITH CONSIDERATION OF ARTICLE 62 WHICH DEFINES THE CONTINENTAL MARGIN SUBJECT TO NATIONAL JURISDICTION. THE STATES PARTICIPATING IN THE DISCUSSION OF THIS ARTICLE WERE ALMOST EVENLY DIVIDED BETWEEN THOSE SEEING TO LIMIT COASTAL STATE JURISDICTION TO 200 MILES (OR BEYOND 200 MILES TO DEPT OF 500 METERS) AND THOSE SEEKING TO ASSERT JURISDICTION BEYOND THIS DISTANCE. IN THE LATTER GROUP, MUCH SUPPORT WAS GENERATED FOR AN IRISH PROPOSAL FOR COASTAL STATE JURISDICTION OVER RESOURCES EXTENDING ONTO THE CONTINENTAL RISE (TO BE DELIMITED ON THE BASIS OF THICKNESS OF SEDIMENT OR BY A DISTANCE SEAWARD OF THE FOOT OF THE CONTINENTAL SLOPE). THIS DEFINITION, WHICH IS DESIGNED TO DESCRIBE THE EXTENT OF COASTAL STATE JURISDICTION OVER THE MARGIN BEYOND 200 MILES WITH A REASONABLE DEGREE OF PRECISION, WAS COUPLED WITH A PROVISION FOR A BOUNDARY REVIEW COMMISSION, TO CERTIFY THE COASTAL STATE DESCRIPTION. THE US SUPPORTED THE PROPOSAL, COUPLED WITH REVENUE SHARING BASED ON EX-UNCLASSIFIED

PAGE 04 STATE 107914

EXPLOITATION OF MINERAL RESOURCES BEYOND 200 MILES. THE DISCUSSION OF THIS SUBJECT WILL CONTINUE.

8. COMMITTEE III: (MARINE POLLUTION AND SCIENTIFIC RESEARCH). MARINE SCIENCE: DURING WEEK OF 11 APRIL, THIRD COMMITTEE WORKING GROUP ON MARINE SCIENCE CONTINUED DISCUSSION OF SNT ARTICLES ON TECHNOLOGY TRANSFER. DISCUSSION CENTERED ON PERUVIAN AMENDMENTS TO SNT AND NEW ECUADOREAN PROPOSAL FOR CREATION OF AN INTERNATIONAL SYSTEM FOR THE TRANSFER OF TECHNOLOGY. MAIN ELEMENTS OF PERUVIAN AMENDMENTS CALL FOR RESPECT FOR THE SOVEREIGNTY OF THE COASTAL STATE, THE ELIMINATION OF MONOPOLISTIC AND RESTRICTIVE COMMERCIAL PRACTICES, AND THE ADJUDICATION OF TECHNOLOGY TRANSFER DISPUTES UNDER THE LAW AND IN THE FORUM OF THE COASTAL STATE. THE ECUADOREAN PROPOSAL CALLS FOR A SYSTEM COMPOSED OF AN INTERNATIONAL CENTER, REGIONAL CENTERS, AND OPTIONAL NATIONAL CENTERS TO FOSTER TECHNOLOGY TRANSFER.

9. C-3 - MARINE POLLUTION: PROGRESS WAS AGAIN SLOW IN THE AREA OF MARINE POLLUTION DURING THE WEEK OF 12 APRIL. THE INFORMAL COMMITTEE MET ONLY ONE TO REHASH ARTICLE 19,

AGAIN WITH NO FINAL RESOLUTION. THE CHAIRMAN'S WORKING GROUP CONTINUED TO MEET TO DISCUSS VESSEL-SOURCE POLLUTION ISSUES AND SHOULD BE ABLE TO FINISH THESE DISCUSSIONS THE WEEK OF 19 APRIL.

10. DISPUTE SETTLEMENT: AT CONCLUSION OF PLENARY DEBATE ON DISPUTE SETTLEMENT ON APRIL 12, PRESIDENT AMERASHINGHE IN EFFECT OBTAINED APPROVAL FOR HIS PROPOSAL THAT HE PREPARE A NEW INFORMAL SINGLE NEGOTIATING TEXT TAKING INTO ACCOUNT VIEWS EXPRESSED DURING PLENARY AND INFORMAL DISCUSSION THUS FAR. REVISED TEXT WOULD HAVE SAME STATUS AND CHARACTER AS THE TEXTS PRODUCED BY THREE MAIN COMMITTEE CHAIRMEN. AMERASHINGHE SAID NEGOTIATIONS ON NEW INFORMAL SNT WOULD BE IN PLENARY IN INFORMAL SESSIONS.

11. FOLLOWING WILL BE AMONG PRIMARY ISSUES: (1) WILL DECISIONS OF DISPUTE SETTLEMENT MACHINERY BE BINDING? (2) STRUCTURE AND CHARACTER DISPUTE SETTLEMENT MACHINERY; (3) EXTENT OF THIRD PARTY DISPUTE  
UNCLASSIFIED

PAGE 05 STATE 107914

SETTLEMENT IN ECONOMIC ZONE. TERRITORIALISTS TAKING VERY STRONG LINE AGAINST DISPUTE SETTLEMENT IN ECONOMIC ZONE. SCRANTON UNQUOTE SISCO

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